

**REMARKS**

Claims 33-55 are now in this application. Claims 33-42 are rejected. Claims 1-32 were previously canceled herein. Claims 33 and 35 are amended herein to clarify the invention and to address matters of form unrelated to substantive patentability issues. New claims 43-55 are added.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims cited in the above-referenced Office Action.

The applicants and applicants' attorney appreciate the Examiner's granting of the telephone interview conducted on February 9, 2004, and extend their thanks to the Examiner for his time and consideration. While formal agreement was not reached regarding the claim revisions proposed by applicants' attorney, the Examiner was receptive to the differences noted between the revised language and the cited art presently of record. In particular, it was argued that a further limitation reciting that the taper of the anchoring portion is reduced in a direction from a second conical portion located closer to the holding portion end of the basic body to a first conical portion located closer to the ground penetration end of the basic body, i.e., a cone angle of the first conical portion is smaller than that of the second conical portion. Conversely stated, the cone angle of the second conical portion located above the first conical portion (when in a use-oriented position), as shown for example in Fig. 1, is larger than a cone angle of the first conical portion. The Examiner indicated

agreement that the four cited references did not appear to teach such structural configuration.

The rejections previously made are referred to below, and are addressed in light of the newly amended subject matter.

Claims 33-35, 38-39 and 40-42 are rejected as obvious over Plourde (US 5,457,918) in view of Haldric et al. (US 4,852,380) under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection.

Applicants respectfully submit that the proffered combination of references fails to teach or suggest all claimed features, as detailed below.

Independent claims 33 and 35 both contain recitations directed to an anchoring portion which includes a first portion and a second portion each of which is cone shaped. As now claimed, the second cone angle of the second portion, which is that tapered portion closer to the holding portion, is larger than a first cone angle of the first portion closer to an end of the anchoring portion which penetrates the ground during use. As such, the anchoring portion becomes less tapered closer to the end designed to penetrate the ground in the first portion than it is in the region of the second portion in a higher position of the device approaching the holding portion. Applicants submit that both Plourde and Haldric et al. disclose an exactly opposite arrangement, wherein a degree of taper is, instead, increased as the penetration end is approached from the holding portion, i.e., an angle of taper (cone angle) is

increased closer to the penetrating end than near a holding portion). This can be seen clearly in the figures of the two references.

Therefore, the combination of references fail to teach or suggest all claim limitations, as properly required for establishing a *prima facie* case of obviousness. Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejection of claims 33-35, 38-39 and 40-42 and their allowance are respectfully requested.

Claims 35-39, 40 and 42 are rejected as obvious over Lesar (US 5,524,855) in view of Haldric et al. (US 4,852,380) under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection.

Applicants submit that the proffered combination of prior art reference also fails to teach or suggest all the claim limitations as properly required for establishing a *prima facie* case of obviousness.

Neither Lesar nor Haldric et al. discloses a two conical portion structural arrangement in which the cone angle of the conical portion closest to a holding portion end is larger than another cone angle of another conical portion closest to a ground penetration end of the basic body.

Therefore, the reference clearly fails to teach or suggest all claim limitations as properly required for establishing a *prima facie* case of obviousness. Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited

references for the reasons stated above. Reconsideration of the rejection of claims 35-39, 40 and 42 and their allowance are respectfully requested.

Claim 41 is rejected as obvious over Plourde (US 5,457,918) in view of Gerhard (DE 19637985) under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection.

Applicants respectfully submit that Gerhard fails to provide what is missing from Plourde, as discussed above with respect to the rejection of claims 33 and 35 in their newly amended form, from which the rejected claim depends. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejection of claim 41 and its allowance are respectfully requested.

Claim 41 is also rejected as obvious over Lesar (US 5,524,855) in view of Gerhard (DE 19637985) under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection.

Applicants respectfully submit that Gerhard fails to provide what is missing from Plourde, as discussed above with respect to the rejection of claim 35 as amended, from which the rejected claim depends. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejection of claim 41 and its allowance are respectfully requested.

Claims 43-55 are added and are submitted as patentable over the cited art of record. Independent claim 43 recites subject matter directed to a feature wherein a cone angle of a conical portion closer to a terminal end of an anchoring portion is smaller than another cone angle of another conical portion further from the terminal end and closer to a holding portion, which, among other features recited therein, is not believed disclosed in the cited art in the manner as claimed. Dependent claims 44-55 are patentable based on the subject matter cited therein in addition to the subject matter of claim 43.

A Request for Continued Examination under 37 CFR 1.114 is being filed concurrently herewith, and in which this Applicants have requested a one (1) month extension of time.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,  
JORDAN AND HAMBURG LLP

By C. Bruce Hamburg by:  
C. Bruce Hamburg  
Reg. No. 22,389  
Attorney for Applicants

Jordan and Hamburg LLP  
122 East 42nd Street  
New York, New York 10168  
(212) 986-2340

James D. Thiel  
Reg No. 36,049